

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35488 of 2016

Arising Out of PS.Case No. -207 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

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1. Mukesh Singh S/o Yogeshwar Singh Resident of Village Kaura, P.S. Jagdishpur, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Dayal Singh, Advocate.

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and Mr. Dayal APP for the State.

Petitioner apprehends his arrest in connection with Jagdishpur P.S. case no. 207/2015, registered under Section 302 of the IPC and Section 27 of the Arms Act.

The FIR was lodged in October, 2015 alleging that while the informant and his cousin were witnessing a dance programme accused Vikash Singh, on some quarrel, whipped out his pistol and fired at the head of the cousin of the informant as a result whereof, he died. It appears few months thereafter the police produced two witnesses who gave out a different version with regard to the incident alleging that three accused persons during the programme had scaled over the stage and in the scuffle

co- accused Arjun Singh fired at the principal accused of the present case who bent down and the fire hit the deceased. Apparently, those statement do not fit in the prosecution case spelt out in the FIR. The cases cited in para-3 are minor in nature and lodged subsequent to lodging of the present case.

Considering the particular facts of the case, case, I am persuaded to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur(Ara), in connection with Jagdispur P.S. case no. 207 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail

bonds of the petitioner and secure his arrest in
accordance with law.

(Kishore Kumar Mandal, J)

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